

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK

Hearing Date: January 30, 2014
Hearing Time: 10:30 a.m.
Hearing Place: Utica

In re:

ENDICOTT INTERCONNECT
TECHNOLOGIES, INC., et al.

Case No.: 13-61156-6-dd
Chapter 11

Debtor.

**APPLICATION FOR PAYMENT OF
ADMINISTRATIVE EXPENSE**

Hinman, Howard & Kattell, LLP, by and through its attorneys, Hinman, Howard & Kattell, LLP ("HH&K"), Harvey D. Mervis, Esq., of counsel, hereby moves this Court pursuant to 11 U.S.C. §503 for an Order allowing Hinman, Howard & Kattell, LLP an administrative expense claim in the amount of \$16,306.65. In support of this motion, HH&K respectfully represents as follows:

BACKGROUND

1. On July 10, 2013 the Debtors filed voluntary Petitions under Chapter 11 of the Bankruptcy Code.
2. This Court has jurisdiction to hear this motion pursuant to 28 U.S.C. §1334 and 157. Venue is proper pursuant to 28 U.S.C. §1408 and 1409. This is a core proceeding pursuant to 28 U.S.C. §157(b)(2)(A), (B) and (O).
3. HH&K is a law firm that provided legal services to Debtors prior to the bankruptcy filing.
4. After filing, HH&K paid certain IP disbursements (no attorneys' fees) for patent continuations and renewals which patents would have lapsed absent these payments. The patents were assets of the Estate that were sold under 11 U.S.C. §363.

5. The amount of the disbursements paid, the dates paid and the dates the charges accrued are set forth in Exhibit "A" attached hereto.

BASIS FOR RELIEF

6. Section 503(b)(4) of the Bankruptcy Code provides:

After notice and a hearing, there shall be allowed administrative expenses including... reasonable compensation for professional services rendered by an attorney or an accountant of an entity whose expense is allowable...

7. Although the Bankruptcy Code provides that payment of allowed administrative claims must be paid in full on the effective date of the any confirmed Chapter 11 Plan, the timing of the payment of an administrative claim is left to the discretion of the Court. Among the factors considered by courts in making that determination are: (a) the prejudice to the Debtors; (b) the hardship to the Claimant; and (c) the potential detriment to other creditors.

8. The circumstances of these cases warrant an order directing the immediate payment of HH&K's administrative expense claim.

WHEREFORE, Hinman, Howard & Kattell, LLP prays the Court enter an Order:

1. Granting this Motion;
2. Allowing Hinman, Howard & Kattell, LLP an administrative expense claim in the amount of \$16,306.65 pursuant to 11 U.S.C. §503.
3. Ordering the Debtors to immediately pay Hinman, Howard & Kattell, LLP a sum of \$16,306.65 in satisfaction of the administrative claim allowed in connection with this Motion; and
4. Granting such other and further relief as the Court deems just and proper.

Dated: January 6, 2014
Binghamton, New York



Harvey D. Mervis, Esq.
HINMAN, HOWARD & KATTELL, LLP
Attorneys for Hinman, Howard & Kattell, LLP
80 Exchange Street
P.O. Box 5250
Binghamton, NY 13902-5250
Telephone: (607) 723-5341
Email: hmervis@hhk.com